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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9
10 **AT TACOMA**

11 **MARLA DEERLY,**) Case No.
12)
13 Plaintiff,) **COMPLAINT**
14)
15 vs.)
16)
17 **CREDITORS INTERCHANGE) JURY TRIAL DEMANDED**
18 **RECEIVABLE MANAGEMENT,)**
19 **LLC,**)
20)
21 Defendant.)
22

23 **I. NATURE OF ACTION**

24 1. This is an action for damages brought by an individual consumer for
25 Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. §
26 1692, *et seq.* (hereinafter "FDCPA") and of the Revised Code of Washington,
27 Chapter 19.16, both of which prohibit debt collectors from engaging in abusive,
28

1 deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of
2 privacy by intrusion, ancillary to Defendant's collection efforts.
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4 **II. JURISDICTION**

5 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).
6

7 **III. PARTIES**

8 3. Plaintiff, Marla Deerly, is a natural person residing in the State of
9 Washington, County of Kitsap, and City of Poulsbo.
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11 4. Plaintiff is a "consumer" as defined by the FDCPA, 15 U.S.C. §
12 1692a(3), and a "debtor" as defined by RCW § 19.16.100(11).
13

14 5. At all relevant times herein, Defendant, Creditors Interchange
15 Receivable Management, LLC, ("Defendant") was a limited liability company
16 engaged, by use of the mails and telephone, in the business of attempting to
17 collect a "debt" from Plaintiff, as defined by 15 U.S.C. §1692a(5).
18

19 6. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. §
20 1692a(6), and a "licensee," as defined by RCW § 19.16.100(9).
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22 **IV. FACTUAL ALLEGATIONS**

23 7. At various and multiple times prior to the filing of the instant complaint,
24 including within the one year preceding the filing of this complaint, Defendant
25 contacted Plaintiff in an attempt to collect an alleged outstanding debt.
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1 Defendant's conduct violated the FDCPA and RCW § 19.16 in multiple ways,
2 including but not limited to:

- 3
- 4 a. Threatening to take an action against Plaintiff that cannot be legally
5 taken or that was not actually intended to be taken, including
6 threatening repeatedly in voice messages to file legal actions against
7 Plaintiff in Kitsop County without having actual intent to do so (§
8 1692e(5));
 - 9 b. Falsely representing that an individual is an attorney, including stating
10 in a voicemail that the call is coming from the litigation department of
11 Creditors Interchange (§ 1692e(3)).

12 8. Defendant's aforementioned activities, set out in paragraph 8, also
13 constitute an intentional intrusion into Plaintiff's private places and into private
14 matters of Plaintiff's life, conducted in a manner highly offensive to a reasonable
15 person. With respect to the setting that was the target of Defendant's intrusions,
16 Plaintiff had a subjective expectation of privacy that was objectively reasonable
17 under the circumstances.

18 9. As a result of Defendant's behavior, detailed above, Plaintiff
19 suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation,
20 embarrassment, mental anguish and emotional distress.
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23 **COUNT I: VIOLATION OF FAIR DEBT**
24 **COLLECTION PRACTICES ACT**

25 10. Plaintiff reincorporates by reference all of the preceding paragraphs.
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PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Statutory damages;
- D. Costs and reasonable attorney's fees; and,
- E. For such other and further relief as may be just and proper.

**COUNT II: VIOLATION OF WASHINGTON COLLECTION AGENCY
ACT, WHICH IS A PER SE VIOLATION OF THE WASHINGTON
CONSUMER PROTECTION ACT**

11. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Actual damages;
- B. Discretionary Treble Damages;
- C. Costs and reasonable attorney's fees,
- D. For such other and further relief as may be just and proper.

Respectfully submitted this 21st day of September, 2009.

s/Jon N. Robbins
Jon N. Robbins
WEISBERG & MEYERS, LLC
Attorney for Plaintiff